

IC 20-24-8

Chapter 8. Charter School Powers and Exemptions

IC 20-24-8-1

Powers of charter schools

Sec. 1. A charter school may do the following:

- (1) Sue and be sued in its own name.
- (2) For educational purposes, acquire real and personal property or an interest in real and personal property by purchase, gift, grant, devise, or bequest.
- (3) Convey property.
- (4) Enter into contracts in its own name, including contracts for services.

As added by P.L.1-2005, SEC.8.

IC 20-24-8-2

Prohibited acts

Sec. 2. (a) A charter school may not do the following:

- (1) Operate at a site or for grades other than as specified in the charter.
- (2) Charge tuition to any student residing within the school corporation's geographic boundaries. However, a charter school may charge tuition for:
 - (A) a preschool program, unless charging tuition for the preschool program is barred under federal law; or
 - (B) a latch key program;if the charter school provides those programs.
- (3) Except for a foreign exchange student who is not a United States citizen, enroll a student who is not a resident of Indiana.
- (4) Be located in a private residence.
- (5) Provide solely home based instruction.

(b) A charter school is not prohibited from delivering instructional services:

- (1) through the Internet or another online arrangement; or
- (2) in any manner by computer;

if the instructional services are provided to students enrolled in the charter school in a manner that complies with any procedures adopted by the department concerning online and computer instruction in public schools.

As added by P.L.1-2005, SEC.8. Amended by P.L.169-2005, SEC.16.

IC 20-24-8-3

Compliance with laws, charter, and state constitution

Sec. 3. For each charter school established under this article, the charter school and the organizer are accountable to the authorizer for ensuring compliance with:

- (1) applicable federal and state laws;
- (2) the charter; and

(3) the Constitution of the State of Indiana.
As added by P.L.1-2005, SEC.8. Amended by P.L.280-2013, SEC.45.

IC 20-24-8-4

Statutes, rules, and regulations not applicable

Sec. 4. Except as specifically provided in this article and the statutes listed in section 5 of this chapter, the following do not apply to a charter school:

- (1) An Indiana statute applicable to a governing body or school corporation.
- (2) A rule or guideline adopted by the state board.
- (3) A rule or guideline adopted by the state board concerning teachers, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.
- (4) A local regulation or policy adopted by a school corporation unless specifically incorporated in the charter.

As added by P.L.1-2005, SEC.8. Amended by P.L.246-2005, SEC.130; P.L.90-2011, SEC.9.

IC 20-24-8-5

Applicable statutes, rules, and guidelines

Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

- (1) IC 5-11-1-9 (required audits by the state board of accounts).
- (2) IC 20-39-1-1 (unified accounting system).
- (3) IC 20-35 (special education).
- (4) IC 20-26-5-10 (criminal history).
- (5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).
- (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- (7) IC 20-28-10-14 (teacher freedom of association).
- (8) IC 20-28-10-17 (school counselor immunity).
- (9) For conversion charter schools only if the conversion charter school elects to collectively bargain under IC 20-24-6-3(b), IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.
- (10) IC 20-33-2 (compulsory school attendance).
- (11) IC 20-33-3 (limitations on employment of children).
- (12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).
- (13) IC 20-33-8-16 (firearms and deadly weapons).
- (14) IC 20-34-3 (health and safety measures).
- (15) IC 20-33-9 (reporting of student violations of law).
- (16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
- (17) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-8, and IC 20-32-8.5, as provided in IC 20-32-8.5-2(b) (academic

standards, accreditation, assessment, and remediation).

(18) IC 20-33-7 (parental access to education records).

(19) IC 20-31 (accountability for school performance and improvement).

(20) IC 20-30-5-19 (personal financial responsibility instruction).

(21) IC 20-26-5-37.3, before its expiration (career and technical education reporting).

As added by P.L.1-2005, SEC.8. Amended by P.L.2-2006, SEC.111; P.L.121-2009, SEC.5; P.L.154-2009, SEC.1; P.L.90-2011, SEC.10; P.L.160-2012, SEC.47; P.L.221-2015, SEC.12; P.L.141-2016, SEC.3.

IC 20-24-8-6

Bureau of Apprenticeship and Training apprenticeship programs

Sec. 6. (a) A charter school may not duplicate a Bureau of Apprenticeship and Training (BAT) approved Building Trades apprenticeship program.

(b) A student in a charter school may not be excluded from participating in a BAT approved Building Trades apprenticeship program that is offered in a noncharter school.

As added by P.L.1-2005, SEC.8.

IC 20-24-8-7

Financial reports and audits

Sec. 7. A charter school may use any money distributed by law to the charter school to prepare financial reports and conduct audits that the charter school determines are necessary for the conduct of the affairs of the charter school. A financial report or an audit under this section does not replace a financial report or an audit required under IC 5-11-1-9.

As added by P.L.169-2005, SEC.17.

IC 20-24-8-8

Federal or state aid for students with disabilities

Sec. 8. The state shall pay directly to a charter school any federal or state aid attributable to a student with a disability attending the charter school.

As added by P.L.280-2013, SEC.46.

IC 20-24-8-9

Establishment of charter school compact

Sec. 9. (a) Before July 1 of any year, a charter school and the governing body of the school corporation may enter into a compact in which the:

(1) school corporation or charter school agrees to provide goods, facilities, services, or other consideration to the other party to the compact; and

(2) charter school authorizes the school corporation to include the charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment.

A school corporation and a charter school may agree to provide goods, facilities, services, or other consideration to the other party under this section through an interlocal agreement in which both that charter school and the school corporation participate.

(b) If a charter school and a governing body enter into a compact under subsection (a), the charter school and the governing body shall notify the department that a compact has been executed under this section within thirty (30) days after the compact is executed.

(c) Upon receipt of the notification under subsection (b), the department shall, for school years starting with the school year beginning in the calendar year in which the compact was executed, include the charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment.

(d) A compact entered into under this section may not change the rights, duties, or responsibilities of an existing:

- (1) employment contract; or
- (2) collective bargaining agreement;

between a school employee and a school corporation or a charter school. An employee of a school corporation who provides services to a charter school remains an employee of the school corporation.

(e) This section may not be construed to prohibit any other agreement between a charter school and the governing body of the school corporation for goods, facilities, services, or other consideration.

As added by P.L.38-2014, SEC.2. Amended by P.L.233-2015, SEC.81.